

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

MAILED

OCT 18 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte LORI GREINER

---

Application No. 09/824,937

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 10, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

- 1.) Appellant filed an Information Disclosure Statement (IDS) on December 29, 2003. Additionally, the appellant filed an IDS on February 26, 2004. It is not clear from the record whether the examiner considered the IDS statements as the examiner has not initialed next to each of the references nor signed and dated the 1449 (substitute) as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

Application No. 09/824,937

According to MPEP § 609 C(2) (Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Correction is required.

2.) The Examiner's Answer mailed April 15, 2005 does not contain an Appendix or section heading that addresses the issues of appellant's Related Proceedings and Evidence Appendix. Particularly, appellant's Evidence Appendix.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for

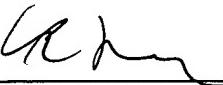
a) proper consideration of the IDSs filed December 29, 2003 and February 26, 2004, and to mail a copy of the considered IDSs to appellant,

Application No. 09/824,937

- b) to issue a revised Examiner's Answer responsive to appellant's Evidence Appendix and Related Proceedings Appendix, and
- c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
\_\_\_\_\_  
CRAIG FEINBERG  
Program and Resource Administrator  
(571) 272-9797

cc: MERCHANT & GOULD, PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

CF/vsh